



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

# VICTORIÆ REGINÆ.

A.D. 1859.

No. 8.

*An Act for consolidating the Statute Law in force in South Australia relating to Indictable Offences against Property by Malicious Injuries.*

[Assented to, 1st September, 1859.]

**W**HEREAS it is expedient to consolidate and amend the Statute Law in force in the Province of South Australia, relating to indictable offences against property by malicious injuries: Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

As to malicious injuries to houses and other buildings :

1. Whosoever shall unlawfully and maliciously set fire to any church or chapel, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to a church or chapel.  
7 W. 4, and 1 Vict., c. 89, ss. 3, 12.  
9 & 10 Vict., c. 24, s. 1.  
9 & 10 Vict., c. 25, s. 9.

2. Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall be then in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the

Setting fire to a house, outhouse, manufactory, &c.  
7 W. 4, & 1 Vict., c. 89, s. 3.

discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to a dwelling-house, any person being therein. 7 W. 4, & 1 Vict., c. 89, s. 2.

3. Whoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Setting fire to farm buildings. 7 & 8 Vict., c. 62, ss. 1, 3.

4. Whosoever shall unlawfully and maliciously set fire to any hovel, shed, or fold, or to any farm building, or any building or erection used in farming land, whether the same, or any of them respectively, shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to hay, straw, &c., in a farm building, with intent to set fire to the building. 7 & 8 Vict., c. 62, ss. 2, 3.

5. Whosoever shall unlawfully and maliciously set fire to any hay, straw, grain, wood, or other vegetable produce, being in any farmhouse or farm building, or to any implement of husbandry being in any farmhouse or farm building, with intent thereby to set fire to such farmhouse or farm building, and to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to any railway station. 14 & 15 Vict., c. 19, s. 8.

6. Whosoever shall wilfully and maliciously set fire to any station, engine-house, warehouse, or other building belonging or appertaining to any railway, dock, canal, or other navigation, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor.

Setting fire to goods in any building, the setting fire to which is made felony. 14 & 15 Vict., c. 19, s. 8.

7. Whosoever shall wilfully and maliciously set fire to any goods or chattels being in any building, the setting fire to which is made felony by this or any other Act, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding six years, with or without hard labor.

Attempting to set fire to buildings. 9 & 10 Vict., c. 25, ss. 7, 9, 11.

8. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any building, and with such intent that if the offence were complete the offender would be guilty of felony, and liable to be imprisoned for life, shall, although such building be not actually set on fire, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

9. If any persons riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, or pull down, or destroy, or begin to demolish, pull down, or destroy, any church or chapel, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or any branch thereof, or any steam-engine or other engine for sinking, working, or draining, any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggon way, or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary confinement.

Rioters demolishing church, building, &c. 7 & 8 Geo. 4, c. 30, s. 8. 4 & 5 Vict., c. 56, ss. 2, 4. 6 & 7 Vict., c. 10.

10. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling house, any person being therein, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary confinement.

Destroying or damaging a house with gunpowder, any person being therein. 9 & 10 Vict., c. 25, ss. 1, 5, 9, 11.

11. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy or damage any building, whereby the life of any person shall be endangered, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary confinement.

Destroying or damaging any building with gunpowder, whereby life endangered. 9 & 10 Vict., c. 25, s. 2.

12. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, any gunpowder or other explosive substance, with intent to destroy or damage any building, or any machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any damage be caused to any building, machinery, working tools, fixtures, goods, or chattels, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Attempting to destroy buildings with gunpowder. 9 & 10 Vict., c. 25, s. 6.

13. Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the offences in the eighth, tenth, eleventh, and twelfth sections of this Act mentioned, shall be guilty of a misdemeanor, and, being convicted thereof, shall

Making or having gunpowder, &c., with intent to commit any of the offences in sections 8, 10, 11, 12.

9 & 10 Vict., c. 25, ss. 8, 9, 11.

shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

As to malicious injuries to manufactures, machinery, &c. :

Destroying goods in process of manufacture, certain machinery, &c.  
7 & 8 G. 4, c. 30, ss. 3, 27.

14. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or render useless, any goods or article of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace respectively, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process, or progress of manufacture ; or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or render useless, any warp or shute of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other, or any loom, frame, machine, engine, rack, tackle, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences in this section mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary confinement.

Destroying machines in other manufactures, threshing machines, &c.  
7 & 8 G. 4, c. 30, ss. 4, 27.

15. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any threshing machine, or any machine or engine, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, or cotton goods, or goods of any one or more of those materials mixed with each other, or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace), shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

As to malicious injuries to corn, trees, vegetable productions, &c. :

Setting fire to crops of corn, &c.  
7 & 8 G. 4, c. 30, ss. 17, 27.

16. Whosoever shall unlawfully and maliciously set fire to any crop of corn, grain, or pulse, whether standing or cut down, or to any grain or pulse, whether thrashed or unthrashed, or to any part of a wood, coppice, or plantation of trees, or to any grass, heath, gorse, furze, or fern, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

17. Whosoever

17. Whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, straw, haulm, stubble, furze, heath, fern, hay, turf, peat, coals, charcoal, or wood, or any steer wood, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to stacks of corn, &c.  
7 W. 4, and 1 Vict., c. 89, ss. 10, 12, 9 and 10 Vict. c. 25, s. 9.

18. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any stack or steer, or to any vegetable produce of such kind, and with such intent that if the offence were complete the offender would be guilty of felony, shall, although such stack, steer, or vegetable produce be not actually set on fire, be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Attempting to set fire to any stack, steer, or vegetable produce.  
9 and 10 Vict., c. 25, ss. 7, 9, 11.

19. Whosoever shall unlawfully and maliciously cut or otherwise destroy any hop binds growing on poles in any plantation of hops shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Destroying hop binds.  
7 and 8 G. 4, c. 30, s. 18, 7 W. 4, and 1 Vict., c. 90, ss. 2, 3, 9 and 10 Vict., c. 24, s. 1.

20. Whosoever shall unlawfully and maliciously, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood respectively, growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of the injury done shall exceed the sum of One Pound), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

Destroying or damaging trees, shrubs, &c., to the value of more than £1, growing in a pleasure ground, &c.  
7 and 8 G. 4, c. 30, s. 19, 27.

21. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood respectively, growing elsewhere than in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining to or belonging to any dwelling-house (in case the amount of injury done shall exceed the sum of Five Pounds), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

Destroying or damaging trees, shrubs, &c., to the value of more than £5, growing elsewhere than in a pleasure ground, &c.  
7 and 8 G. 4, c. 30, s. 19.

22. Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the injury done being to the

Damaging trees to the amount of 1s., third offence.  
7 and 8 G. 4, c. 30, ss. 20, 27.

amount of One Shilling at the least, after having been twice summarily convicted of any of the offences in this section before mentioned (whether all the said offences be of the same description or not, and whether both or either of such summary convictions shall have taken place before or after the passing of this Act), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

Damaging plants, fruits, &c., in gardens, second offence. 7 and 8 G. 4, c. 30, ss. 21, 27.

23. Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production growing in any garden, orchard, nursery ground, hot-house, greenhouse, or conservatory, after having been summarily convicted of any of the offences in this section before mentioned, whether such second offence be of the same description as the first or not, and whether such summary conviction shall have taken place before or after the passing of this Act), shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

As to malicious injuries to mines :

Setting fire to a coal mine. 7 W. 4, and 1 Vict., c. 89, ss. 9, 12, 9 and 10 Vict., c. 25, s. 9.

24. Whosoever shall unlawfully and maliciously set fire to any mine of coal or cannel coal, or to the timbering of the shafts or galleries of any mine, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Attempting to set fire to a mine. 9 and 10 Vict., c. 25, ss. 7, 9, 11.

25. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any mine, or to the timbering of the shafts or galleries of any mine, and with such intent that if the offence were complete the offender would be guilty of felony, shall, although such mine be not actually set on fire, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Conveying water into a mine, obstructing the shaft, &c. 7 and 8 G. 4, c. 30, ss. 3, 27.

26. Whosoever shall unlawfully and maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent unlawfully and maliciously pull down, fill up, or obstruct any airway, waterway, drain, pit, level, or shaft of or belonging to any mine shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement, and with or without whipping: Provided that this provision shall not extend to any

any damage committed underground by any owner of any adjoining mine in working the same, or by any person duly employed in such working.

27. Whosoever shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy or render useless, any steam engine or other engine for sinking, draining, or working any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge waggonway, or trunk for conveying minerals from any mine, whether such engine, staith, building, erection, bridge, waggonway, or trunk be completed or in any unfinished state, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

Damaging the steam engines, staiths, waggon-ways, &c.  
7 and 8 G. 4, c. 30, ss. 7, 27.

As to malicious injuries to sea banks, rivers, canals, ponds, bridges, turnpike gates, &c. :

28. Whosoever shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any lock, sluice, flood gate, or other work on any navigable river or canal shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life or for any less term, with or without hard labor, and with or without solitary confinement.

Destroying any sea bank, &c., or wall on any canal.  
7 and 8 G. 4, c. 30, ss. 12, 27.

29. Whosoever shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, or shall unlawfully and maliciously open or draw up any flood gate, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary confinement.

Removing the piles of any sea bank, &c., or doing any damage to obstruct the navigation of a river or canal.  
7 and 8 G. 4, c. 30, ss. 12, 27

30. Whosoever shall unlawfully and maliciously break down or otherwise destroy the dam of any fish pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein, or shall unlawfully and maliciously break down or otherwise destroy the dam of any mill pond, shall be guilty of misdemeanor, and being

Breaking down the dam of a fishery, &c., or mill dam, or poisoning fish.  
7 and 8 G. 4, c. 30, s. 15.

convicted

convicted thereof shall be liable, at the discretion of the Court, to be imprisoned with or without hard labor for any term not exceeding four years.

Injury to a public  
bridge.  
7 and 8 G. 4, c. 30, ss.  
13, 27.

31. Whosoever shall unlawfully and maliciously pull down or in anywise destroy any public bridge, or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable, shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Destroying plants,  
&c., in gardens, &c.

First offence.

Summary conviction.

Six calendar months  
imprisonment ;

Or, Justice may order  
a penalty not exceed-  
Twenty Pounds above  
the value.

Second offence.  
Felony.

32. If any person shall unlawfully and maliciously destroy or damage with intent to destroy, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, every such offender, being convicted thereof before a Justice of the Peace for the said Province, shall, at the discretion of the Justice, either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labor for any term not exceeding six calendar months, or else shall forfeit and pay over and above the amount of the injury done, such sum of money not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to any of the punishments which the Court may award for the felony hereinbefore last mentioned.

Destroying vege-  
tables, &c., not in  
gardens.

First offence.

Second offence.

33. If any person shall unlawfully and maliciously destroy or damage, with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, or nursery ground, every such offender being convicted thereof before a Justice of the Peace for the said Province, shall, at the discretion of the Justice, either be committed to the common gaol, there to be imprisoned only, or to be imprisoned and kept to hard labor for any term not exceeding one calendar month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding Twenty Shillings, as to the Justice shall seem meet, and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid, for any term not exceeding one calendar month unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol, there to be kept at hard labor for such term not exceeding six calendar months, as to the convicting Justice shall seem meet.

Destroying fences, &c.

34. If any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever,  
or



or any wall, stile, or gate, or any part thereof respectively, every such offender being so convicted before a Justice of the Peace for the said Province, shall for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding Five Pounds, as to the Justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol, there to be kept at hard labor for such term not exceeding twelve calendar months, as to the convicting Justice shall seem meet.

First offence.

Second offence.

As to malicious injuries to railways :

35. Whosoever shall wilfully and maliciously put, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall wilfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall wilfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall wilfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall wilfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court to be imprisoned for life, or for any less term, with or without hard labor.

Placing wood, &c., on railway, with intent to obstruct or overthrow the engine, &c. 14 and 15 Vict., c. 19, s. 6.

36. Whosoever shall wilfully do or cause to be done any thing in such manner as to obstruct any engine or carriage using any railway, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor.

Obstructing engines or carriages on railways. 3 and 4 Vict., c. 97, s. 15.

As to malicious injuries to works of art :

37. Whosoever shall unlawfully and maliciously destroy or damage any thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository which museum, gallery, cabinet, library, or other repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or painted glass in any church or chapel or other place of religious worship, or in any church yard or cemetery, or any statue or monument exposed to public view, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any period not exceeding six months, with or without hard labor: Provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed.

Destroying or damaging works of art, in museums, churches, &c. 8 and 9 Vict., c. 44, ss. 1, 4.

As

## As to malicious injuries to cattle :

Killing or maiming  
cattle.  
7 and 8 G. 4, c. 30, s.  
16, 7 W. 4, and 1 Vict.  
c. 90, ss. 2, 3, 9 and  
10 Vict., c. 24, s. 1.

38. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years with or without hard labor, and with or without solitary or separate confinement.

Setting fire to arsenals,  
magazines, or stores.  
12 G. 3, c. 24, s. 1.

39. Whosoever shall in this Colony wilfully and maliciously set on fire or burn, or otherwise destroy, or cause to be set on fire, or otherwise destroyed, any of Her Majesty's arsenals, magazines, dockyards, ropeyards, victualling offices, or any of the buildings erected therein, or belonging thereto, or any timber or materials there placed for building, repairing, or fitting out of ships or vessels, or any of Her Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places where any such military, naval, or victualling stores, or other ammunition of war is, are, or shall be kept, placed, or deposited, shall be guilty of felony, and being convicted thereof shall suffer death as a felon.

Setting fire to a ship.  
7 W. 4, and 1 Vict., c.  
89, ss. 6, 12.

40. Whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Setting fire to a ship  
whereby life endan-  
gered.  
7 W. 4, and 1 Vict., c.  
89, s. 4.

41. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death as a felon.

Setting fire to ships to  
prejudice the owner or  
underwriters.  
7 W. 4, and 1 Vict.,  
c. 89, ss. 6, 12.

42. Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Attempting to set fire  
to a vessel.  
9 and 10 Vict., c. 25,  
ss. 7, 9.

43. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any vessel, and with such intent that if the offence were complete the offender would be guilty of felony, and liable to imprisonment for life, shall, although such vessel be not actually set on fire, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor; and with or without solitary or separate confinement.

44. Whosoever

44. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any vessel, any gunpowder or other explosive substance, with intent to destroy or damage any vessel, or any machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any injury is effected to such vessel, machinery, working tools, fixtures, goods, or chattels, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

Placing gunpowder near a vessel with intent to damage it.  
9 and 10 Vict., c. 25, ss. 6, 9, 11.

45. Whosoever shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and with or without solitary or separate confinement.

Damaging ships otherwise than by fire.  
7 and 8 G. 4, c. 30, ss. 10, 27.

46. Whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death as a felon.

Exhibiting false signals, &c.  
7 W. 4, and 1 Vict., c. 89, s. 5. 7 and 8 G. 4, c. 30, s. 11.

47. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, and with or without solitary or separate confinement.

Destroying wrecks or any articles belonging thereto.  
7 W. 4, and 1 Vict., c. 89, ss. 8, 12.

48. Whosoever wilfully shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or do or commit any act with intent and design to cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any buoy, buoy rope, boat, or other mark, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor.

Cutting away buoys, &c.  
Wreck and salvage Act, 9 and 10 Vict., c. 99, s. 28.

As to other matters:

49. Every punishment by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

Malice against owner of property unnecessary.  
7 and 8 G. 4, c. 30, s. 25, 8 and 9 Vict., c. 44, s. 2.

50. In all cases where any person shall be convicted of a misdemeanor under this Act, it shall be lawful for the Court, if it shall think

Fine and sureties for the peace, in what cases.

think fit, in addition to or in lieu of any of the punishments by this Act authorized, to fine the offender, and to require him to find sureties for keeping the peace and being of good behaviour, both or either; and in all cases of felonies in this Act mentioned, not punishable with death, it shall be lawful for the Court, if it shall think fit, to require the offender to find sureties for keeping the peace, in addition to any of the punishments by this Act authorized.

Hard labor, solitary confinement, and whipping.

51. Where imprisonment with or without hard labor may be awarded for any offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labor, in any Common Gaol or labor prison; and where solitary confinement may be awarded for any offence under this Act, the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labor, not exceeding one month at any one time, and not exceeding three months in any one year; and where any offender, convicted under any clause of this Act, shall be under the age of fourteen years, the Court may sentence the offender, if a male, but not otherwise, to be once, twice, or thrice publicly or privately whipped.

Commencement of Act.

52. This Act shall take effect from the passing thereof.